

HERVE GUERRIER,)
)
Petitioner,)
)
vs.)
)
ATTORNEY GENERAL FOR THE STATE OF NEVADA, et al.,)
)
Respondents.)
	/

2:12-cv-01729-JCM-CWH
ORDER

However, the matter still has not been properly commenced because, under Local Rule LSR 3-1, a habeas petition must be filed on the court's required form, in this case a habeas petition form for a petition under 28 U.S.C. § 2241. Petitioner may not submit a handwritten petition to the court.

Accordingly, this action will be dismissed without prejudice to the filing of a new petition on the proper form with either the filing fee or a completed application to proceed *in forma pauperis* in a new action. It does not appear from file review that a dismissal without prejudice will materially affect a later analysis of either timeliness or other potential procedural defenses, given that the alleged operative events leading to his filing—being transferred to immigration custody rather than released—occurred in September 2012. The present improperly-commenced action therefore will be dismissed without prejudice. Proceedings under this case number will be closed by the order and

1 judgment of dismissal, and petitioner must start a new action under a new case number if he seeks
2 further relief.

3 **IT IS THEREFORE ORDERED** that the application to proceed *in forma pauperis*
4 (ECF #4) is **DENIED** and that this action shall be **DISMISSED** without prejudice to the filing of a new
5 petition in a new action with a properly completed application to proceed in forma pauperis or the filing
6 fee.

7 **IT IS FURTHER ORDERED** that petitioner's motion to consolidate cases (ECF #5)
8 and motion for the court to use petitioner's "A" Number to track him (ECF #7) are **DENIED** as moot.

9 **IT IS FURTHER ORDERED** that a certificate of appealability is **DENIED**, as jurists
10 of reason would not find the court's dismissal of this improperly commenced action without prejudice
11 to be debatable or incorrect.

12 **IT IS FURTHER ORDERED** that the clerk shall send petitioner two copies each of an
13 application form to proceed *in forma pauperis* for incarcerated persons and a Section 2241 habeas
14 petition form, one copy of the instructions for each form, and a copy of the papers that he submitted in
15 this action.

16 **IT IS FURTHER ORDERED** that the clerk shall **ENTER JUDGMENT** accordingly
17 and close this case.

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19 Dated, January 3, 2013.

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22 UNITED STATES DISTRICT JUDGE
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